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8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

11 SECURITIES AND EXCHANGE
12 COMMISSION,

Civil Action No. C 07-3444 JF

13 Plaintiff,

14 vs.

15 MARK LESLIE, et al.,

16 Defendants.

**PLAINTIFF SECURITIES AND
EXCHANGE COMMISSION'S
UNOPPOSED REQUEST FOR LEAVE
TO FILE AN OVER-SIZED OMNIBUS
MEMORANDUM IN OPPOSITION TO
DEFENDANTS' MOTIONS TO DISMISS**

17 Plaintiff Securities and Exchange Commission (the "SEC" or "Commission") respectfully
18 submits this unopposed request for leave to file an over-sized omnibus memorandum in opposition to
19 defendants' motions to dismiss the SEC's complaint. In support of this unopposed motion, the
20 Commission states as follows:

21 1. On October 5, 2007, defendants Mark Leslie, Kenneth Lonchar, and Paul A.
22 Sallaberry filed their respective motions to dismiss the SEC's complaint in this civil securities fraud
23 enforcement action. The length of each of the three opening memoranda varied from 17 to 25 pages
24 (Leslie – 25 pages; Lonchar – 25 pages; and Sallaberry – 17 pages). Each defendant raised multiple
25 issues for the Commission to address in its oppositions.

27
28 PLAINTIFF SEC'S UNOPPOSED REQUEST FOR
LEAVE TO FILE AN OVER-SIZED OMNIBUS
MEMORANDUM IN OPPOSITION TO
DEFENDANTS' MOTIONS TO DISMISS
SEC v. MARK LESLIE, et al., Civil Action No. C
07-3444 -JF

1 2. Under this Court's Local Rule 7-3, the Commission is allowed to file three separate
 2 opposition memoranda for the three motions to dismiss. Each opposition may not exceed 25 pages in
 3 text.

4 3. Instead of filing three separate opposition memoranda, the Commission wishes to file
 5 a single, omnibus memorandum in opposition to address all three of the defendants' motions and
 6 memoranda. Based upon its review of the defendants' motions to dismiss, however, the Commission
 7 will need substantially more than 25 pages to address adequately all three of the defendants' various
 8 arguments set forth in their motions to dismiss.

9 4. Accordingly, the Commission respectfully requests leave to file an over-sized
 10 omnibus memorandum in opposition, not to exceed 75 pages of text (which would have been the total
 11 number of pages allowed if the Commission were to file three separate oppositions), to address the
 12 defendants' three motions to dismiss the SEC's complaint.

13 5. Defendants Leslie, Lonchar and Sallaberry do not oppose this request for leave.

14 **WHEREFORE**, the Commission respectfully requests that this Court enter an order granting
 15 the Commission leave to file an over-sized omnibus memorandum to opposition, not to exceed 75
 16 pages of text, to address the defendants' three motions to dismiss the SEC's complaint. A proposed
 17 Order is attached.

18
 19 Dated: October 23, 2007

Respectfully submitted,

20 /s/ Richard Hong

21 Richard Hong
 22 Assistant Chief Litigation Counsel
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 24 EXCHANGE COMMISSION
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CERTIFICATE OF SERVICE

Pursuant to 28 U.S.C. § 1746, I hereby certify that on this day, October 23, 2007, I electronically filed the foregoing unopposed motion and the attached proposed with the Clerk of the Court by using the ECF system and relied upon that system's automatic service of the foregoing document and the attached proposed Order upon counsel, which will send notification of such filing to the ECF participants.

In addition, on this day, October 23, 2007, the undersigned caused a copy of the foregoing documents to be served by regular first class mail to the following:

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